

From: Joseph Thomas joe@joethomas.org
Subject: RE: Urgent! RE: 2:17-cv-00642-MJP Dalessio v. University of Washington
Date: June 6, 2019 at 2:33 PM
To: Derek C. Chen DChen@kbmlawyers.com, Jayne L. Freeman JFreeman@kbmlawyers.com
Cc: LaHoma Walker LWalker@kbmlawyers.com, JULIE juliedalessio@msn.com

Dear Jayne and Derek:

Pursuant to our electronic agreement I am serving documents that were electronically filed today. I am specifically serving you by email because a set of 20 pages is filed under seal, and it will not be transmitted through PACER. Attached to this email is a copy of the documents that were electronically filed with the Court today.

- Dkt. 172 - Motion to Seal
- Dkt. 173 - Declaration of Terrilyn Heggins
- Dkt. 174 - Declaration of Julie Dalessio
- Under Seal – 20 pages

Very truly yours,

Joe

Cc: Julie Dalessio

Joseph Thomas
Law Office of Joseph Thomas PLLC
5991 Rainier Ave. South, # B
Seattle, Washington 98118
Phone: (206) 390-8848
Website: <http://JoeThomas.org>

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying it or disclosing its contents to others. Thank you.

From: Joseph Thomas <joe@joethomas.org>
Sent: Wednesday, June 5, 2019 7:09 AM
To: 'Derek C. Chen' <DChen@kbmlawyers.com>; 'Jayne L. Freeman' <JFreeman@kbmlawyers.com>
Cc: 'LaHoma Walker' <LWalker@kbmlawyers.com>; 'JULIE' <juliedalessio@msn.com>
Subject: RE: Urgent! RE: 2:17-cv-00642-MJP Dalessio v. University of Washington

Dear Jayne and Derek:

*** Urgent ***

I am writing to you because I did not receive a response to my email yesterday (see below). I am afraid that in today's oral argument that Defendants will make material misstatements of fact to the court that Ms. Dalessio's private medical information was not released to third parties. If Defendants do make these false statements of material fact it could to persuade the court to rule in favor of Defendants under false pretenses. Please contact me at your earliest possible convenience.

pretenses. Please contact me at your earliest possible convenience.

Very truly yours,

Joe

Cc: Julie Dalessio

Joseph Thomas
Law Office of Joseph Thomas PLLC
5991 Rainier Ave. South, # B
Seattle, Washington 98118
Phone: (206) 390-8848
Website: <http://JoeThomas.org>

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying it or disclosing its contents to others. Thank you.

From: Joseph Thomas <joe@joethomas.org>
Sent: Tuesday, June 4, 2019 10:42 AM
To: 'Derek C. Chen' <DChen@kbmlawyers.com>; 'Jayne L. Freeman' <JFreeman@kbmlawyers.com>
Cc: 'LaHoma Walker' <LWalker@kbmlawyers.com>; 'JULIE' <juliedalessio@msn.com>
Subject: Urgent! RE: 2:17-cv-00642-MJP Dalessio v. University of Washington

Dear Jayne and Derek:

*** Urgent ***

I am writing to ask that Defendants voluntarily withdraw its argument in the second motion for summary judgment that Ms. Dalessio's private medical information was not released to others. On May 30, 2019 I wrote you an email stating that Ms. Dalessio's private medical information is continuing to be released by Defendants through the Public Records Act. Specifically, in PR 2019-00035 Perry Tapper released private medical information about Ms. Dalessio to "Public Records News Media," a third party. In that previous email on May 30, 2019, I attached the official letter from Perry Tapper and I also selected 20 documents containing Ms. Dalessio's private medical information, as evidence for you. These documents are being attached for a second time, for your convenience. Please treat these documents as confidential as these documents are at the core of what this lawsuit is about.

Your clients can easily verify the authenticity of these documents for you. To verify the authenticity of these documents you need to contact your client Perry Tapper, show him these documents and explain these documents were produced in response to PR 2019-00035. Just as a word of warning, I have selected 20 documents out of what appears to be more than 1,000 in order to fit in the email. There appear to be more documents that contain Ms. Dalessio's private medical information, but it would be wasteful and redundant to identify them all now, since time is of the essence.

be wasteful and redundant to identify them all now, since time is of the essence.

I want to remind you that you have an affirmative duty to court to make arguments that are well-grounded in fact and correct a false statement of material fact previously made.

Please let me know before the oral argument tomorrow if you will voluntarily withdraw your argument in the second motion for summary judgment that Ms. Dalessio's private medical information was not released to others. You now have been provided unequivocal evidence that it is a false statement of material fact for Defendants to continue to claim that Ms. Dalessio's private medical information has not been released to others.

Very truly yours,

Joe

Cc: Julie Dalessio

Joseph Thomas
Law Office of Joseph Thomas PLLC
5991 Rainier Ave. South, # B
Seattle, Washington 98118
Phone: (206) 390-8848
Website: <http://JoeThomas.org>

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying it or disclosing its contents to others. Thank you.

From: Derek C. Chen <DChen@kbmlawyers.com>
Sent: Friday, May 31, 2019 1:48 PM
To: Joseph Thomas <joe@joethomas.org>; Jayne L. Freeman <JFreeman@kbmlawyers.com>
Cc: LaHoma Walker <LWalker@kbmlawyers.com>
Subject: RE: 2:17-cv-00642-MJP Dalessio v. University of Washington

Joe,

We do not stipulate to sealing PRR 19-00035. By your own admission, you have only skimmed the documents so it is unclear how you can argue the entire production merits sealing.

We also do not agree that PRR 19-00035 is relevant to the four questions the Court limited the parties to (Dkt. 160) and is further irrelevant as it was a request made after the time period at issue in this lawsuit. There is no basis for its late supplementation to the Court records which will assuredly push out the hearing date. Plaintiff has not produced any sworn testimony detailing why these documents could not have been included in her response papers at the end of April. We will object to this untimely disclosure

disclosure.

Sincerely,

Derek Chen

Derek C. Chen



801 2nd Avenue, Suite 1210

Seattle, WA 98104

Office: (206)623-8861

FAX: (206)223-9423

dchen@kbmlawyers.com

Personal Bio

www.kbmlawyers.com

This message is confidential, intended only for the named recipient(s) and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you are not the intended recipient(s), you are notified that the dissemination, distribution or copying of this message is strictly prohibited. If you receive this message in error, or are not the named recipient(s), please notify the sender at either the e-mail address or telephone number above and delete this e-mail from your computer. Receipt by anyone other than the named recipient(s) is not a waiver of any attorney-client, work product, or other applicable privilege. Thank you.

From: Joseph Thomas <joe@joethomas.org>

Sent: Friday, May 31, 2019 9:59 AM

To: Jayne L. Freeman <JFreeman@kbmlawyers.com>; Derek C. Chen <DChen@kbmlawyers.com>

Cc: LaHoma Walker <LWalker@kbmlawyers.com>; 'JULIE' <juliedalessio@msn.com>

Subject: RE: 2:17-cv-00642-MJP Dalessio v. University of Washington

Jayne and Derek,

Please respond to my email from yesterday asking if you will agree to a stipulated motion to file the documents under seal. This is a time sensitive matter, and Jayne has already responded to the Court's email this morning, even though it was sent more than more than 14 hours after mine.

Very truly yours,

Joe

Cc: Julie Dalessio

Joseph Thomas
Law Office of Joseph Thomas PLLC
5991 Rainier Ave. South, # B
Seattle, Washington 98118
Phone: (206) 390-8848
Website: <http://JoeThomas.org>

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying it or disclosing its contents to others. Thank you.

From: Joseph Thomas <joe@joethomas.org>
Sent: Thursday, May 30, 2019 5:03 PM
To: 'Jayne L. Freeman' <JFreeman@kbmlawyers.com>; 'Derek C. Chen' <DChen@kbmlawyers.com>
Cc: 'LaHoma Walker' <LWalker@kbmlawyers.com>; 'JULIE' <juliedalessio@msn.com>
Subject: RE: 2:17-cv-00642-MJP Dalessio v. University of Washington

Jayne and Derek,

These document are evidence the UW is continuing to produce confidential medical information about Ms. Dalessio. Specifically, in PR 2019-00035 Perry Tapper, who is a named Defendant in this lawsuit, is the person who produced the confidential medical information about Ms. Dalessio to Public Records News Media. There were many documents produced, but for expediency I have selected 20 of the documents that contain similar medical information about Ms. Dalessio that is currently being argued.

Attached to this document are:

- Release Letter – addressed to Public Records News Media and signed by Perry Tapper
- Release - 20 of the selected documents produced

Please treat these documents as confidential.

Do you agree to a stipulated motion, so that I can I file these documents under seal?

Very truly yours,

Joe

Cc: Julie Dalessio

Joseph Thomas
Law Office of Joseph Thomas PLLC
5991 Rainier Ave. South, # B
Seattle, Washington 98118

Phone: (206) 390-8848

Website: <http://JoeThomas.org>

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying it or disclosing its contents to others. Thank you.

From: Jayne L. Freeman <JFreeman@kbmlawyers.com>

Sent: Thursday, May 30, 2019 1:21 PM

To: Joseph Thomas <joe@joethomas.org>; Derek C. Chen <DChen@kbmlawyers.com>

Cc: LaHoma Walker <LWalker@kbmlawyers.com>

Subject: RE: 2:17-cv-00642-MJP Dalessio v. University of Washington

Joe: we have no way of knowing what information you are talking about unless you send us the documents you are referring to and to whom they were allegedly disclosed. The attachment you sent was only a copy of a letter listing exemptions, presumably related to information that was withheld or redacted.

The circumstances and context of what you are referring to is also unclear, as well as how any information purportedly obtained in 2019 would be relevant or material to the four questions the court posed to the parties to answer in a hearing next week. I will be out of the office Friday and Monday, so not sure what exactly you are proposing, but we certainly don't have enough information to even figure something out.

Jayne L. Freeman



801 Second Avenue, Suite 1210

Seattle, WA 98104

Office: (206)623-8861

FAX: (206)223-9423

jfreeman@kbmlawyers.com

www.kbmlawyers.com

(Please note our new address)

From: Joseph Thomas <joe@joethomas.org>

Sent: Thursday, May 30, 2019 12:42 PM

To: Jayne L. Freeman <JFreeman@kbmlawyers.com>; Derek C. Chen <DChen@kbmlawyers.com>

Cc: 'JULIE' <juliedalessio@msn.com>; LaHoma Walker <LWalker@kbmlawyers.com>

Subject: 2:17-cv-00642-MJP Dalessio v. University of Washington

Dear Jayne and Derek:

I am writing to you with an urgent matter in the *Dalessio v. UW* case. My client, Ms. Dalessio, just contacted me today and told me that she new evidence that is pertinent to the second motion for summary judgment. Ms. Dalessio has evidence that UW is

to the second motion for summary judgment. Ms. Dalessio has evidence that UW is continuing to produce Ms. Dalessio's private medical information under the Public Records Act to third parties, as is being argued right now in the second motion for summary judgment. I have skimmed through the documents and there are many pages, a conservative estimate is at least 20 pages, of her private medical information being produced to third parties. These documents have doctor's names, signatures, patient number, medical progress reports, requests for disability accommodations, mental health information, etc. Because of Ms. Dalessio's poor health, she did not look at this information until after Plaintiff's response to second summary judgment was filed.

Attached to this email is UW's letter of partial release. The Public Records Act tracking number is PR 2019-0035.

Please review these documents at your earliest convenience, so we can talk about how to introduce these documents as newly discovered evidence. My hope is that we can agree on how to submit these documents under seal before the oral argument next week. Since time is of the essence, I hope we can work this out as soon as possible.

Very truly yours,

Joe

Cc: Julie Dalessio

Joseph Thomas
Law Office of Joseph Thomas PLLC
5991 Rainier Ave. South, # B
Seattle, Washington 98118
Phone: (206) 390-8848
Website: <http://JoeThomas.org>

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying it or disclosing its contents to others. Thank you.



Virus-free. www.avg.com



Dkt. 172 Motion
to Seal.pdf



Dkt. 173 Decl.
Heggins.pdf



Dkt. 173-1.pdf
[Downloading...](#)

March 30, 2019

To: Director of Public Records

University of Washington

Office of Public Records

4311 11th Ave NE #360

Seattle, WA 98105

From:

publicrecords newsmedia

Enclosed find a money order payable to the Office of Public Records for \$4.15.

This is payment for production of
PR-2019-00035

Please mail the completed CDs to:

PublicRecords NewsMedia
attn: Terrilyn

1066 S. 320th St. Apt. C105

Federal Way, WA 98003

FEDERAL WAY
WA
98003-9998
5404910184
04/03/2019 (800)275-8777 3:27 PM

Product Description	Sale Qty	Final Price
PM 1-Day Window FR Env (Domestic) (SEATTLE, WA 98105) (Flat Rate) (Expected Delivery Date) (Thursday 04/04/2019) (USPS Tracking #) (9505 5162 0177 9093 5506 43)	1	\$7.35
Insurance (Up to \$50.00 included)	1	\$0.00
PM 1-Day Window FR Env (Domestic) (OLYMPIA, WA 98504) (Flat Rate) (Expected Delivery Date) (Thursday 04/04/2019) (USPS Tracking #) (9505 5162 0177 9093 5506 50)	1	\$7.35
Insurance (Up to \$50.00 included)	1	\$0.00
Total		\$14.70
Cash		\$20.00
Change		(\$5.30)

Includes up to \$50 insurance

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

Save this receipt as evidence of insurance. For information on filing an insurance claim go to <https://www.usps.com/help/claims.htm>

Case 2:17-cv-00642-MJP Document 173-4 Filed 06/06/19 Page 1 of 1

UNIVERSITY OF WASHINGTON

ZIP 98195 \$ 003.66⁰
02 1W
0001388288 APR 08 2019

UNIVERSITY OF WASHINGTON

UNW 2044 (5/07)

Contents _____

Budget Number: 01-9313

Return Address: Office of Public Records and Open Public Meetings
Box 354997
Seattle, WA 98195-4997

Package Value and Contents: _____

Letter/Letter Package
Printed Matter
Parcel Post ☐ Book

Certify
Insure for \$ _____
Register for \$ _____
Return Receipt
Express mail
UPS ☐ SENSE

To:

Public Records News Media
attn Terrilyn
1066 S 320th St Apt C105
Federal Way, WA 98003

UNITED STATES POSTAL SERVICE®

USPS TRACKING #

9114 9999 9170 3381 4832 51

Label 400 Jan. 2013

Handwritten notes on the envelope include:
636-690 / 634, 624-618 649, 15
572
478-91, 1467
613-594
D.O.B. 795, 717
558
Rocch, 33 cent.
765, 6 attache
747 letter
584 1-2-03
743-5 self handling
583-2
579-1144 re 544
4902
691 "Admin. Action"
531-529, 275
661-3-ESD
503-483-14



Dkt. 174 Decl.
Dalessio.pdf



Dkt. 174-1.pdf



PR-2019-00035
Releas...all.pdf